

**TOWN OF NEW BOSTON**  
**NEW BOSTON PLANNING BOARD**  
**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

1  
2 The virtual meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman  
3 Mark Suennen. Present virtually at the opening of the meeting were Ex-Officio David Litwino-  
4 vich, and regular Board members Ed Carroll and Amy Sanders.

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6 Also present virtually were Planning Coordinator Shannon Silver, Planning Board As-  
7 sistant Nadine Scholes and Planning Consultant Mark Fougere.

8  
9 Absent was Planning Board Chairman Peter Hogan.

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11 Present in the audience for all or part of the virtual meeting were Travis & Amy Koep-  
12 pel, Mark Melanson, Road Agent Allen Brown and Town Engineer Kevin Leonard.

13  
14 Mark Suennen read the meeting preamble as follows,

15  
16 **'MEETING PREAMBLE DURING COVID-19 EMERGENCY**

17 Good evening, as the Vice Chairman of the Town of New Boston Planning Board, I am  
18 invoking the provisions of RSA 91-A:2, III (b) during the current State of Emergency. Gover-  
19 nor Sununu has issued Emergency Order #12, pursuant to Executive Order 2020-04, that allows  
20 local government and this public body to meet virtually. I am declaring that conducting this  
21 meeting is imperative and required in order to continue vital Town government, services and  
22 operations.

23 We have utilized the Zoom platform to conduct the meeting and all Board members will  
24 have the ability to communicate concurrently and the public has access to concurrently listen  
25 and if necessary, will be given the opportunity to participate in the meeting when opened for  
26 public comment.

27 If anyone has an issue connecting, they should contact Nadine Scholes [REDACTED]  
28 [REDACTED]

29 Property owners, applicant and direct abutters were given proper notice of this hearing,  
30 along with the instructions of how to access the meeting. Public Notice and Zoom access in-  
31 structions were also posted for public view on Town website.

32 To help minimize background noise and provide privacy to everyone, we have started  
33 this meeting with all microphones muted and video cameras off. You do not need to turn on  
34 your camera to participate in the meeting and we ask that everyone keep their microphones  
35 muted unless you would like to speak. Any public comment will need to wait until the meeting  
36 is opened to the public and will need full name and address stated for the record.

37 If anyone accessing this meeting is disruptive, they will be asked to cease the disruptive  
38 behavior. Should the disruption continue thereafter, that person will be automatically removed  
39 from the meeting.

40 Please be aware all votes taken during this meeting will be done by Roll Call vote. Let's  
41 start the meeting by taking a Roll Call attendance. When each member states their name, please  
42 also state if there is anyone else in the room with you during this meeting, under the provisions  
43 of the Right-to-know law.'

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1/12/2021

Roll Call attendance, Mark Suennen present and alone, Amy Sanders present and alone, Ed Carroll present and alone, David Litwinovich present and alone, Mark Fougere, Planning Consultant, present and alone, Shannon Silver, Planning Coordinator, present and alone and Nadine Scholes, Planning Assistant, present and alone.

**KOEPPPEL, AMY (OWNER & APPLICANT)**

**KOEPPPEL, TRAVIS (OWNER & APPLICANT)**

Public Hearing/CUP & NRSPR/Minor/Kennel

Location: Bog Brook Road

Tax Map/Lot #9/41-1

Residential-Agricultural "R-A" District

Mark Suennen noted that the application had been accepted as complete on December 8, 2020, therefore the deadline for Planning Board action would be February 11, 2021. The site walk was conducted on December 13, 2020 and notes were provided to the Board from the site walk. Mark Suennen asked if the Board had any comments or questions regarding the site walk. There were none.

The Planning Coordinator, Shannon Silver mentioned that the cover sheet includes some recommendations for the Board to consider and noted that she also included 'ongoing conditions' for the Board to consider with the approval. There had been similar kennel applications in the past that the Board had included 'ongoing conditions' with approval and she included some standard conditions that should be discussed.

Mark Suennen opened the hearing to the public.

Mark Melanson, 220 Bog Brook Road, stated that he would like to withdraw his objections to the application that he had submitted, he does not have any further concerns with the Koeppele's evolving their business into a kennel operation and he would be in favor of their proposal as a breeder.

Mark Suennen closed the hearing to the public.

Travis Koeppele noted that he had not seen or had a chance to review the proposed 'ongoing conditions' that were presented on the screen share. Mark Suennen noted that the conditions being shown were not specific to the Koeppeles' application but were some general conditions that the Board had used for similar kennel applications that were previously approved.

Mark Suennen reviewed the Conditions Precedent that would be required for the Koeppele's to get an approval and noted that the Board should discuss what ongoing conditions would be necessary for this application approval.

David Litwinovich said that he would like to include some limitations with the approval. He noted that the current property owners may not want to operate a kennel but that could

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

**KOEPPPEL, AMY & TRAVIS (OWNER & APPLICANT), cont.**

change if the property switched ownership. He suggested limiting the number of dogs and asked if he remembered correctly that the Board had previously limited barking to a maximum of 20 minutes on other kennel site plans. The Planning Coordinator, Shannon Silver noted that limits for barking had been required for other applications, but the Board should decide on limits based on the applicants proposed operations.

David Litwinovich asked the Koeppel's how many dogs maximum would be on the property at any one given time. Travis and Amy Koeppel said litters could be anywhere from eight (8) to fourteen (14) puppies, so they could have more than twenty (20) puppies at one time. They requested the limit of thirty (30) puppies maximum and four (4) adult non-resident dogs. The Board accepted the Koeppel's requested maximum limit of puppies and dogs.

The Planning Coordinator, Shannon Silver asked the applicants how the puppies are managed when they go outside. Travis and Amy Koeppel replied that the puppies do go outside, and depending on the weather, could be put in a portable pen and are supervised the whole time. The Board discussed and recommended limiting the number of puppies allowed outside to 'no more than one (1) family group permitted in outdoor activity areas, up to three (3) times per day, at no more than one (1) hour intervals to avoid disruption to the neighboring residents.

Amy Sanders recommended identifying the outdoor activity area on the site plan. The Board agreed. It was requested that the applicants identify outdoor areas on the site plan and noted that should be included as a condition precedent.

Mark Suennen noted that the applicants would not like to propose any signage at this time but if the applicants would like to add signage in the future, they would need to come back to amend the site plan with the identified location for the proposed sign and then apply to the Building Department for a sign permit.

Mark Suennen reviewed the Conditional Use Permit criteria and asked if the Board was satisfied that the four (4) criteria items had been answered by the applicants adequately. The Board agreed that the applicants met the CUP application criteria.

Mark Suennen went over the proposed conditions precedent and the ongoing conditions that the Board had recommended and asked the applicants how long would be needed to complete the precedent items. Travis and Amy Koeppel requested 2 weeks. Mark Suennen suggested 30 days for the deadline and the applicants agreed. Deadline for conditions precedent would be scheduled for 30 days out to February 12, 2021.

David Litwinovich **MOVED** to grant the Conditional Use Permit and approve the plans of Travis & Amy Koeppel, to operate a kennel, from property on Bog Brook Road, known as Tax

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

**KOEPPPEL, AMY & TRAVIS (OWNER & APPLICANT), cont.**

Map/Lot #9/41-1, as the four conditions for granting the Permit have been found to exist, subject to the following conditions:

**CONDITIONS PRECEDENT:**

1. Any revisions to the site plan as decided by the Board at the hearing (if applicable).
2. Submission of any outstanding fees, if any, related to the application.
3. Execution of a Site Review Agreement.

The deadline for complying with the condition's precedent shall be **FEBRUARY 12, 2021**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should the conditions to approval not be fulfilled by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval.

**ONGOING CONDITIONS:**

1. No more than four (4) non-resident dogs and up to thirty (30) puppies will be permitted on the property at any given time.
2. No more than one (1) family group will be permitted in outdoor activity areas, up to three (3) times per day, at no more than one (1) hour intervals.
3. The hours of operation are by appointment.
4. No sign is proposed at this time. Any future plans for the installation of a sign shall follow the permitting procedures in place at the time of application.
5. The kennel shall be operated within the areas of the existing dwelling and outdoor activity areas designated on the approved plan.
6. Exterior storage of materials or variation from the residential character of the principal or accessory structure shall not be permitted.
7. Any proposed changes to the type of business or any other conditions shown on the approved plan shall be submitted to the Planning Board for a determination of the need for any further site plan review prior to instituting any such changes.

Ed Carroll seconded the motion. All were in favor and the motion

**PASSED.** 4-0, Roll Call Vote: David Litwinovich-yes, Ed Carroll-yes, Amy Sanders-yes, Mark Suennen-yes.

**Discussion with the Town Engineer & Road Agent, re: 2-year Road Maintenance Final Inspection & Off-site Road Improvement Funds.**

The Planning Coordinator, Shannon Silver noted that the Town Engineer and the Road Agent would need to be included in the discussion regarding 2-year Road Maintenance bond and the process for the final inspection in order to release the bond. She explained that a 2-year

## TOWN OF NEW BOSTON

### NEW BOSTON PLANNING BOARD

Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.

1/12/2021

#### Discussion with the Town Engineer & Road Agent, cont.

Maintenance Bond is required for any new road when it is accepted by the Town and the amount of the Maintenance Bond is based on 10% of the original road performance bond value. Then before the end of the 2-year period, the Town Engineer goes out to inspect the road and provides a report to the Planning Board with suggestions if there are any deficiencies found during his inspection, i.e. cracking on the road, sink holes, etc. In the past, the Road Agent and the Town Engineer would work together to decide how to best address the deficiencies, if the Road Agent could repair the road, the Town Engineer would include a recommended amount to be obtained from the developer and that work would be completed by the Town.

The Planning Coordinator, Shannon Silver explained that with the recent situation with the sink hole found on Fieldstone Drive, the developer was going to put a bond in place until it was repaired and inspected by the Town Engineer and funds were to be submitted for the Town to take care of the seal cracking when the Town wide crack sealing is scheduled later in the summer. That was Peter Hogan's concern, why should the Town be responsible for sealing a road that is only a few years old, he believed a new road should not be cracking and there could be other underlining issues that is causing the road to crack, just sealing the road will not prevent the cracks from getting worse down the road and that becomes the Town's issue once the 2-year bond is released. She recommended the Board discuss this process with the Town Engineer and the new Road Agent to resolve these concerns.

Mark Suennen asked the Town Engineer if he had been alerted of the Board's concerns regarding final road inspections. The Town Engineer, Kevin Leonard said that the Planning Coordinator, Shannon Silver and he discussed the situation a few months back. He explained that his approach on the Fieldstone Drive road issues had been based on past similar experiences and how those situations had been treated. He noted that of the roads inspected for the release of the maintenance bond, 85-90% do not have significant deficiencies. During the inspection, they walk the road to see if anything is out of spec and when the cracking was discovered on Fieldstone Drive, he had discussed the situation with the Road Agent, Allen Brown, and provided recommendations to Allen that he felt were appropriate, on how similar past situations were handled. He stated that he understood his recommendations were not well received by all of the Planning Board members. Mark Suennen noted that he had not attended the meeting when the Board reviewed the Town Engineer's report regarding the condition of Fieldstone Drive and asked if any other Board members had input regarding that situation.

Amy Sanders noted for the record the LeClair's are her clients and this was one of the projects she had worked on but she believed the biggest issue with this particular situation was that the Board did not have enough time to review the road after reviewing the Town Engineer's inspection report before acting on releasing the bond. She had walked the road after the Planning Board meeting to search for the sink hole that the Town Engineer had identified in the report but she could not locate it. She explained that she later found out that the sink hole was off of the pavement but while walking the road, she did not find any major deficiencies that were out of place for a road of this age. Amy Sanders suggested that in the future, the final

# **TOWN OF NEW BOSTON**

## **NEW BOSTON PLANNING BOARD**

**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

### **Discussion with the Town Engineer & Road Agent, cont.**

inspection reports be provided to the Planning Board at least one (1) meeting prior to the release of the bond to have time to review the report and if needed, review on site before acting on releasing the 2-year maintenance bond.

The Planning Coordinator, Shannon Silver explained that if the Planning Board wanted to also inspect the road themselves after the Town Engineer provides his report the Road Construction Procedure should be revised. Amy Sanders clarified that the Fieldstone Drive inspection report had been provided to the Board as Miscellaneous Business and was presented to the Board at the meeting, which did not give the Board members any time to review in detail before making a decision on releasing the bond. The Planning Coordinator, Shannon Silver explained that final road inspection reports are always presented to the Board as Miscellaneous Business because the road is already accepted and would not need a Public Hearing. She asked what else the Board would like to receive in addition to the Town Engineer's report to review when releasing a 2-year maintenance bond. Amy Sanders replied that the Town Engineer's report and the locations of deficiencies found would be ideal but more so she was asking if the Planning Board could be given time to review the Town Engineer report and visit the site if necessary, before releasing the bond.

Town Engineer, Kevin Leonard noted that the Fieldstone Drive report did not include any photos, which he normally prefers to include photos with reports for a visual. He noted that in the future he would strive to make sure to include photos with the report.

Mark Suennen noted that the Road Construction Inspection Procedures currently delegate road operations and road responsibility to the Road Agent and therefore if the Road Agent in consultation with the Town Engineer or vice versa determine that some repair work is needed and the work would be more appropriately done by the Town and funds are provided by the developer for completion of those repairs. The Planning Coordinator, Shannon Silver noted that the Road Agent attended the meeting and he may have some input on this matter.

The Road Agent, Allen Brown stated that if there is a road with a 2-year maintenance bond in place and is coming up on expiration, that the request for the Town Engineer and Road Agent inspection be submitted at least 6 months prior to the bond expiration, that way if there are any issues there would be time to address those before the bond expires. He said that he preferred if there are repairs necessary, that the developer be responsible for repairing the road instead of the Town.

Mark Suennen stated that in the past the Road Agent and the Town Engineer decide what repairs are needed and the Road Agent identifies who would be responsible to complete those repairs, either the developer or the Town. He questioned if the Road Inspection Procedures should be updated to state the following: 'that upon identification of a flaw to be repaired, that is not equivalent to the value of the 2-year maintenance bond, the Planning Board reserves the right to request a bond based on the value estimated of the repairs if they could not complete the repairs before the bond expiration.'

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

**Discussion with the Town Engineer & Road Agent, cont.**

The Planning Coordinator, Shannon Silver stated that the Road Inspection Procedure should be updated to reflect the requested changes to the final inspection process, either to identify that ‘an inspection would be completed six (6) months prior to the bond expiration (weather permitting), in order to have the developer complete any necessary repairs before the original bond expiration or the developer issues a new bond based on the Town Engineer’s final inspection report and cost estimates for the repairs.’ She noted that the Planning Department staff would keep track of the active bonds and notify the Road Agent and the Town Engineer that the inspection is due.

David Litwinovich suggested that the Town Engineer’s final road inspection report be submitted to the Planning Board at least one (1) meeting prior to the release of the 2-year maintenance bond, in order to review and discuss any concerns or items that would need to be repaired prior to the meeting when the bond would be released.

**Discussion: re, Off-site Road Improvement Funds**

The Planning Coordinator, Shannon Silver explained that she wanted to discuss Off-site Road Improvement funds with the Road Agent, Allen Brown. She explained that when a major subdivision/development is proposed, the Board and Road Agent normally reviews road improvements that are needed around the area of the development and a formula is used to calculate an amount for those road improvements and determine the amount that should be submitted by the developer. Those funds obtained from the developer would be held in an escrow account. If the improvements are not completed or if there is a remaining balance in escrow at the 6 year period, then the Town would need to return the funds to the developer per State Statue. She mentioned that in the past, many road improvements funds were not used for whatever reason and had to be returned. She would like to get the Road Agents suggestions of how he preferred off site road improvements are handled going forward.

Mark Fougere explained that the State Statue specific to off-site road improvements would need to have a nexus and nearby vicinity to the development. The improvements would need to be identified at the time the exactions are calculated, and the funds could only be used for the projects defined. If the specified improvements are not completed or at least started within 6 years, the Town would be required to return the unused funds back to the developer.

Mark Suennen noted that the Road Committee and Road Agent could collaborate and create an active list of small maintenance/improvements projects throughout Town that exactions could be used towards.

The Road Agent, Allen Brown noted that the 6 year time frame allowed to use the funds collected was a long time frame and he believed there should be plenty of road improvements those funds could be used towards.

The Planning Coordinator, Shannon Silver noted that if the Town were to use exactions, the Road Agent would need to submit the billing/invoice for any work completed, including man hours to

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

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1/12/2021

**Discussion: re, Off-site Road Improvement Funds, cont.**

account for Town work appropriately and the funds to reimburse the Town would be taken from the special escrow account. The record of the billing would prove exactly what the funds were used towards if questioned.

Amy Sanders asked what the funds are based off of for off-site road improvements. The Planning Coordinator replied that the Board had created a formula, that would be specific to the impact details for larger developments.

**Discussion, re: Impact Fee Statue Amendment Suggestions.**

David Litwinovich explained that he had thought of the idea to recommend amendments to the State Statue for impact fees to give the Town more flexibility to apply impact fees but he since realized after a discussion with Mark Fougere that the State Statue was narrow and strict on how impact fees could be applied. He opined that it seemed difficult and maybe a waste of time to suggest amendments to the Statue. He found it to be very strict on how to collect and use impact fees. If a capital project were to pass in Town, then a percentage would be calculated on the additional impacts a development would have on the capacity in addition to the Town's current needs. Funds collected for impact fees would need to be used within 6 years or returned to developers if not used towards the projects identified when the exaction was collected.

The Board discussed further how impact fees can be calculated, collected and used.

Ed Carroll questioned if impact fees could be used towards the construction of cisterns in the dry areas of Town. Mark Fougere said yes, but only if the Town were funding the cistern(s) installations.

**Miscellaneous Business and correspondence for the meeting of January 12, 2021, including, but not limited to:**

1. Distribution of the December 8, 2020, meeting minutes, for approval at the February 9, 2021, meeting, with or without changes. (to be distributed by email)
2. Approval of the October 27, 2020, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the October 27, 2020, meeting minutes, as amended. Ed Carroll seconded the motion. Motion **PASSED**. 4-0, Roll Call Vote: Mark Suennen-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes.



**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

**Miscellaneous Business and correspondence, cont.**

3. Approval of the November 10, 2020, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the November 10, 2020, meeting minutes, as written. Ed Carroll seconded the motion. Motion **PASSED**. 4-0, Roll Call Vote: Mark Suennen-yes, Ed Carroll-yes, David Litwinovich-yes, Amy Sanders-yes.

4. Continued Discussion, re: Truck Travel Ordinance.

Mark Suennen noted that this item would be discussed at the end of Miscellaneous Business.

5. Email received December 15, 2020, with attachment\*, from Noah Hodgetts, NH OSI, to Planning Assistant, Nadine Scholes, re: Webinar & OSI Report, Update: 2010-2019, New Hampshire's Housing Supply, for the Board's information. (\*attachment of report, scanned separately from Miscellaneous Business) (email sent to Planning Board, December 18, 2020, re: registration for January 8, 2021, webinar)

Mark Suennen questioned the 2019 data included in the document for New Boston having 'new' manufactured housing and two (2) multi-family units added that year according to the report. The Planning Coordinator, Shannon Silver noted that she does not believe this data is correct, and she would follow up with Building and report back on what she finds.

6. Email copy, with attachment, received January 7, 2021, from David Litwinovich, re: Southern NH Planning Commission, Transportation Alternatives Program (TAP), for the Board's information.

Mark Suennen noted that maybe the Rail Trail project could be submitted as a TAP project. He recommended this email be supplied to the appropriate committee that handles the Rail Trail but noted that if a project were submitted and approved for TAP, the program would cover 80% and the Town would be responsible for 20% of the total project cost.

7. Copy of updated 2021 Planning Board Goals spreadsheet, for the Board's information.

8. Invoice received December 9, 2020, and Construction Reports for services rendered from November 2, 2020 to November 30, 2020, from Northpoint Engineering, LLC, for Forest View II, Phase II & III, Ongoing Construction Monitoring, for the Board's information.

9. Invoice received January 5, 2021, and Construction Reports for services rendered from November 30, 2020 to December 27, 2020, from Northpoint Engineering, LLC, for

**TOWN OF NEW BOSTON**

**NEW BOSTON PLANNING BOARD**

**Minutes of 2021 - Meeting conducted virtually, using ZOOM due to COVID-19 pandemic.**

1/12/2021

**Miscellaneous Business and correspondence, cont.**

Forest View II, Phase II & III, Ongoing Construction Monitoring, for the Board's information.

10. Invoice received January 4, 2021, for services rendered from December 1, 2020 to December 31, 2020, from ConTest Consultants, Inc., for Forest View II, Phase II & III, Field Tests and Analysis, for the Board's information.

**Item #4: Continued Discussion, re: Truck Travel Ordinance.**

The Planning Coordinator, Shannon Silver noted that she had done some research of surrounding towns in regard to how they handled thru-trucking but realized that the Board of Selectmen had subsequently revised the Town of New Boston Trucking Ordinance with the Police Chief. David Litwinovich replied that was correct, and he had presented this to the Planning Board to get any input on what other Town's had done in similar situations. Shannon Silver noted that New Boston had an unusual amount of active gravel pits compared to other Town's but found that other Town's limit the amount of trucks and the hours that trucks are allowed to travel on particular roads or re-routed trucks but this would be a challenge to achieve in New Boston. David Litwinovich noted that he had a follow-up discussion scheduled with Police Chief Brace to review some other solutions that could benefit all parties. There are residents in the Byam Road neighborhood that have come forth with concerns of the amount of trucks recently travelling on that road and concerns with the poor condition of the roads in this area.

There were no other items to be discussed.

David Litwinovich **MOVED** to adjourn the meeting at 8:22 p.m.

Amy Sanders seconded the motion and it **PASSED** unanimously.

Respectfully submitted,  
Nadine Scholes, Planning Board Assistant

Minutes Approved: 03/23/21